

Assembly Constitutional Amendment

No. 4

**Introduced by Assembly Members Bass and Hill and Senator
Steinberg**

December 3, 2008

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, and by amending Sections 8 and 12 of Article IV thereof, relating to the state budget.

LEGISLATIVE COUNSEL'S DIGEST

ACA 4, as introduced, Bass. State budget.

(1) Existing provisions of the California Constitution specify the times when statutes take effect. In particular, statutes calling elections, providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes take immediate effect under these constitutional provisions. In addition, the Constitution exempts these statutes from the power of referendum, which is the power of the electors to approve or reject statutes or parts of statutes.

This measure would add, as statutes that take effect immediately and are exempt from referendum, statutes enacting the Budget Bill and statutes enacting bills identified in the Budget Bill as containing only changes in law necessary to implement the Budget Bill.

(2) Existing constitutional provisions require each house of the Legislature to pass a bill appropriating money from the General Fund, except appropriations for the public schools, by a $\frac{2}{3}$ vote.

This measure would add, as an exception to this $\frac{2}{3}$ vote requirement, appropriations made in a Budget Bill for the ensuing fiscal year that is passed on or before June 15.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 First—That Section 9 of Article II thereof is amended to read:

8 SEC. 9. (a) The referendum is the power of the electors to
9 approve or reject statutes or parts of statutes except urgency
10 statutes, statutes calling elections, *statutes enacting the budget*
11 *bill, statutes enacting budget implementation bills,* and statutes
12 providing for tax levies or appropriations for usual current expenses
13 of the State.

14 (b) A referendum measure may be proposed by presenting to
15 the Secretary of State, within 90 days after the enactment date of
16 the statute, a petition certified to have been signed by electors
17 equal in number to 5 percent of the votes for all candidates for
18 Governor at the last gubernatorial election, asking that the statute
19 or part of it be submitted to the electors. In the case of a statute
20 enacted by a bill passed by the Legislature on or before the date
21 the Legislature adjourns for a joint recess to reconvene in the
22 second calendar year of the biennium of the legislative session,
23 and in the possession of the Governor after that date, the petition
24 may not be presented on or after January 1 next following the
25 enactment date unless a copy of the petition is submitted to the
26 Attorney General pursuant to subdivision (d) of Section 10 of
27 ~~Article II~~ before January 1.

28 (c) The Secretary of State shall then submit the measure at the
29 next general election held at least 31 days after it qualifies or at a
30 special statewide election held prior to that general election. The
31 Governor may call a special statewide election for the measure.

32 Second—That Section 8 of Article IV thereof is amended to
33 read:

1 SEC. 8. (a) At regular sessions no bill other than the budget
2 bill may be heard or acted on by committee or either house until
3 the 31st day after the bill is introduced unless the house dispenses
4 with this requirement by rollcall vote entered in the journal, ~~three~~
5 ~~fourths~~ *three-fourths* of the membership concurring.

6 (b) The Legislature may make no law except by statute and may
7 enact no statute except by bill. No bill may be passed unless it is
8 read by title on ~~3~~ *three* days in each house except that the house
9 may dispense with this requirement by rollcall vote entered in the
10 journal, ~~two-thirds~~ *two-thirds* of the membership concurring. No
11 bill may be passed until the bill with amendments has been printed
12 and distributed to the ~~members~~ *Members*. No bill may be passed
13 unless, by rollcall vote entered in the journal, a majority of the
14 membership of each house concurs.

15 (c) (1) Except as provided in paragraphs (2) and (3) ~~of this~~
16 ~~subdivision~~, a statute enacted at a regular session shall go into
17 effect on January 1 next following a 90-day period from the date
18 of enactment of the statute and a statute enacted at a special session
19 shall go into effect on the 91st day after adjournment of the special
20 session at which the bill was passed.

21 (2) A statute, other than a statute establishing or changing
22 boundaries of any legislative, congressional, or other election
23 district, enacted by a bill passed by the Legislature on or before
24 the date the Legislature adjourns for a joint recess to reconvene in
25 the second calendar year of the biennium of the legislative session,
26 and in the possession of the Governor after that date, shall go into
27 effect on January 1 next following the enactment date of the statute
28 unless, before January 1, a copy of a referendum petition affecting
29 the statute is submitted to the Attorney General pursuant to
30 subdivision (d) of Section 10 of Article II, in which event the
31 statute shall go into effect on the 91st day after the enactment date
32 unless the petition has been presented to the Secretary of State
33 pursuant to subdivision (b) of Section 9 of Article II.

34 (3) Statutes calling elections, statutes providing for tax levies
35 or appropriations for the usual current expenses of the State,
36 *statutes enacting the budget bill, statutes enacting budget*
37 *implementation bills*, and urgency statutes shall go into effect
38 immediately upon their enactment. *For purposes of this section*
39 *and Section 9 of Article II, a "budget implementation bill" is a*

1 *bill that is identified in the budget bill as containing only changes*
2 *in law necessary to implement the budget bill.*

3 (d) Urgency statutes are those necessary for immediate
4 preservation of the public peace, health, or safety. A statement of
5 facts constituting the necessity shall be set forth in one section of
6 the bill. In each house the section and the bill shall be passed
7 separately, each by rollcall vote entered in the journal, ~~two-thirds~~
8 *two-thirds* of the membership concurring. An urgency statute, *a*
9 *statute enacting the budget bill, or a statute enacting a budget*
10 *implementation bill* may not create or abolish any office or change
11 the salary, term, or duties of any office, or grant any franchise or
12 special privilege, or create any vested right or interest.

13 Third—That Section 12 of Article IV thereof is amended to
14 read:

15 SEC. 12. (a) Within the first 10 days of each calendar year,
16 the Governor shall submit to the Legislature, with an explanatory
17 message, a budget for the ensuing fiscal year containing itemized
18 statements for recommended state expenditures and estimated state
19 revenues. If recommended expenditures exceed estimated revenues,
20 the Governor shall recommend the sources from which the
21 additional revenues should be provided.

22 (b) The Governor and the Governor-elect may require a state
23 agency, officer, or employee to furnish whatever information is
24 deemed necessary to prepare the budget.

25 (c) (1) The budget shall be accompanied by a budget bill
26 itemizing recommended expenditures.

27 (2) The budget bill shall be introduced immediately in each
28 house by the persons chairing the committees that consider the
29 budget.

30 (3) The Legislature shall pass the budget bill by midnight on
31 June 15 of each year.

32 (4) Until the budget bill has been enacted, the Legislature shall
33 not send to the Governor for consideration any bill appropriating
34 funds for expenditure during the fiscal year for which the budget
35 bill is to be enacted, except emergency bills recommended by the
36 Governor or appropriations for the salaries and expenses of the
37 Legislature.

38 (d) No bill except the budget bill may contain more than one
39 item of appropriation, and that for one certain, expressed purpose.
40 Appropriations from the General Fund of the State, except

1 appropriations for the public schools, *and except appropriations*
2 *made in a budget bill for the ensuing fiscal year that is passed on*
3 *or before June 15*, are void unless passed in each house by rollcall
4 vote entered in the journal, two-thirds of the membership
5 concurring.

6 (e) The Legislature may control the submission, approval, and
7 enforcement of budgets and the filing of claims for all state
8 agencies.

9 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,
10 the Legislature may not send to the Governor for consideration,
11 nor may the Governor sign into law, a budget bill that would
12 appropriate from the General Fund, for that fiscal year, a total
13 amount that, when combined with all appropriations from the
14 General Fund for that fiscal year made as of the date of the budget
15 bill’s passage, and the amount of any General Fund moneys
16 transferred to the Budget Stabilization Account for that fiscal year
17 pursuant to Section 20 of Article XVI, exceeds General Fund
18 revenues for that fiscal year estimated as of the date of the budget
19 bill’s passage. That estimate of General Fund revenues shall be
20 set forth in the budget bill passed by the Legislature.